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RESOLUTION NO. 03-241

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING OF **LATERAL 38, MAIN 5A, WAR INDUSTRIES SEWER, (NORTH OF KELLOGG, WEST OF ROCK) 468-83620**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **LATERAL 38, MAIN 5A, WAR INDUSTRIES SEWER, (NORTH OF KELLOGG, WEST OF ROCK) 468-83620**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 38, Main 5A, War Industries Sewer, (north of Kellogg, west of Rock) 468-83620**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Twenty Thousand Dollars (\$20,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **March 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PARCEL "A"

That part of Lot 1, Kellogg Mall Addition, Wichita, Kansas described as beginning at a point on the North line of said Lot 1, said point being 1090.99 feet west and 50 feet south of the Northeast corner of the Southeast Quarter of Section 19, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 00 degrees 00 minutes West, along a line parallel with the East line of said Southeast Quarter, 174.59 feet; thence South 30 degrees 00 minutes West, 197.30 feet to the point of curvature of a curve to the right, having a radius of 79.50 feet and a central angle of 60 degrees; thence southwesterly and westerly, along said curve, 83.25 feet to the point of tangency of said curve; thence South 90 degrees 00 minutes West, along a line tangent to said curve, 8.0 feet; thence north 00 degrees 00 minutes East, 384.90 feet to the north line of said Lot 1; thence North 89 degrees 54 minutes East, 175.50 feet to the point of beginning.

SECTION 4. That the method of apportioning all costs of said improvements

attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Parcel "A" shall pay 100% of the total cost of the project.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, May , 2003.

CARLOS MAYANS, MAYOR

ATTEST:

PAT GRAVES, CITY CLERK

(SEAL)